

Program D: Risk Litigation

Program Authorization: Act 448 of 1988; Act 107 of 1999; R.S. 36:701(D) and 704(F); R.S. 39:1533(B)

Program Description

The mission of the Risk Litigation Program (which is organizationally expressed as the Litigation Division) is to provide legal representation for the Office of Risk Management in the Division of Administration, the Self- Insurance Fund, the State of Louisiana, and its departments, agencies, boards and commissions and their officers, officials, employees, and agents in all claims covered by the State Self-Insurance Fund, and in all tort claims whether or not covered by the Self-Insurance Fund.

The goals of the Risk Litigation Program are:

1. Provide superior legal and professional services to the Office of Risk Management.
2. Continue to develop extensive expertise in the defense of public entities, officials, and employees, and strive to retain highly competent and professional litigation staff.
3. Continue to develop programs to educate agency policy makers to recognize and correct potential liability situations. The state's tort liability exposure is far greater than in the private sector, both in dollar amount and the variety of claims asserted; examples include: road hazard liability; public health care provider liability; legislative liability; regulatory liability; and alleged liability for illegal and/or intentionally wrongful actions of elected officials. In FY 1997-98, the Office of Risk Management paid out \$98.5 million in judgments and settlements; in FY 1998-99, \$110.4 million.

The Litigation Division is divided into five specialized, substantive law sections: Civil Rights, General Liability; Medical Malpractice, Road Hazards and Workers' Compensation. The division has five regional offices (in Alexandria, Lafayette, Lake Charles, New Orleans, and Shreveport) that handle litigation filed in the geographical area covered by the regional offices.

- The Civil Rights Section represents state officials, employees, state agencies, and the State of Louisiana in damages action litigation brought on the basis of the Civil Rights Act of 1964, as amended; state statutes dealing with employment discrimination; and prisoner suits brought pursuant to R.S. 15:1171 et seq. Defended actions also include diverse suits as Americans with Disabilities Act claims, Age Discrimination Act claims, Pregnancy Discrimination Act claims, Fair Labor Standards Act claims, and Federal Individualized Education Act (IDEA) suits. As an adjunct to Civil Rights Act suits, the section also defends claims for attorney's fees under 42 USC § 1988.
- The General Liability Section provides legal defense to the state, state agencies, and employees against tort litigation in regard to claims of personal injuries or property damages that allegedly occurred on state property or were caused by a state employee or officer.
- The Medical Malpractice Section is primarily responsible for handling malpractice cases against public health care providers (as defined by R.S. 40:1299.39).
- The Road Hazards Section provides legal defense to the Louisiana Department of Transportation and Development (DOTD) in all lawsuits for personal injury, property damage, wrongful death and business losses attendant to DOTD operations and/or conditions of DOTD roads, bridges, or other property. The section typically handles lawsuits involving maintenance, design, construction, and operations of DOTD's roads and bridges.
- The Workers' Compensation Section is responsible primarily for handling litigated workers' compensation matters filed against the state, along with providing support for other related concerns such as advice to the Office of Risk Management regarding claims and handling of settlements, as appropriate. The section is also responsible for Jones Act and maritime matters filed by state employees as well as pursuit of subrogation claims that are referred by the Office of Risk Management.

RESOURCE ALLOCATION FOR THE PROGRAM

	ACTUAL 2000-2001	ACT 12 2001-2002	EXISTING 2001-2002	CONTINUATION 2002-2003	RECOMMENDED 2002-2003	RECOMMENDED OVER/(UNDER) EXISTING
MEANS OF FINANCING:						
STATE GENERAL FUND (Direct)	\$0	\$0	\$0	\$0	\$0	\$0
STATE GENERAL FUND BY:						
Interagency Transfers	0	0	0	11,071,900	10,958,773	10,958,773
Fees & Self-gen. Revenues	10,515,780	11,071,492	11,076,492	0	0	(11,076,492)
Statutory Dedications	0	0	0	0	0	0
Interim Emergency Board	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
TOTAL MEANS OF FINANCING	\$10,515,780	\$11,071,492	\$11,076,492	\$11,071,900	\$10,958,773	(117,719)
EXPENDITURES & REQUEST:						
Salaries	\$7,506,049	\$7,962,343	\$7,962,343	\$7,970,576	\$7,692,927	(\$269,416)
Other Compensation	57,438	65,000	65,000	65,000	65,000	0
Related Benefits	1,338,290	1,070,916	1,070,916	1,184,557	1,043,658	(27,258)
Total Operating Expenses	1,038,305	1,387,936	1,387,936	1,360,752	1,273,854	(114,082)
Professional Services	4,246	21,375	26,375	21,375	21,375	(5,000)
Total Other Charges	138,525	147,922	147,922	53,640	307,959	160,037
Total Acq. & Major Repairs	432,927	416,000	416,000	416,000	554,000	138,000
TOTAL EXPENDITURES AND REQUEST	\$10,515,780	\$11,071,492	\$11,076,492	\$11,071,900	\$10,958,773	(117,719)
AUTHORIZED FULL-TIME						
EQUIVALENTS: Classified	0	0	0	0	0	0
Unclassified	171	171	171	171	168	(3)
TOTAL	171	171	171	171	168	(3)

The Table of Organization (T.O.) has been adjusted to reflect 1 Other Charges position transferred to the authorized T.O. for fiscal year 2002-2003.

SOURCE OF FUNDING

This program is funded with Interagency Transfers. Interagency Transfers are derived from the Office of Risk Management for investigative and legal services.

MAJOR FINANCIAL CHANGES

GENERAL FUND	TOTAL	T.O.	DESCRIPTION
\$0	\$11,071,492	170	ACT 12 FISCAL YEAR 2001-2002 (Unadjusted for transfer of Other Charge positions)
			BA-7 TRANSACTIONS:
\$0	\$5,000	0	Carry forward of operating expenses
\$0	\$11,076,492	170	EXISTING OPERATING BUDGET - December 20, 2001
\$0	\$350,451	0	Unclassified State Employees Merit Increases for FY 2002-2003
\$0	\$7,003	0	Risk Management Adjustment
\$0	\$416,000	0	Acquisitions & Major Repairs
\$0	(\$416,000)	0	Non-Recurring Acquisitions & Major Repairs
\$0	(\$5,000)	0	Non-Recurring Carry Forwards
\$0	(\$103,187)	0	Maintenance of State-Owned Buildings
\$0	(\$341,025)	0	Salary Base Adjustment
\$0	(\$182,526)	0	Attrition Adjustment
\$0	\$10,042	0	Group Insurance Adjustment
\$0	(\$167,041)	(3)	Gubernatorial Position Reduction
\$0	\$50,000	0	Other Adjustments - National Institute of Trial Advocacy "train the trainer" litigation training program
\$0	\$29,867	0	Other Adjustments - Capitol Park Security fees
\$0	\$28,833	1	Other Adjustments - Reclassification of Other Charges positions to authorized position in the table of organization (T.O.)
\$0	\$204,864	0	Other Adjustments - Video conferencing center located at each regional office
\$0	\$10,958,773	168	TOTAL RECOMMENDED
\$0	\$0	0	LESS GOVERNOR'S SUPPLEMENTARY RECOMMENDATIONS
\$0	\$10,958,773	168	BASE EXECUTIVE BUDGET FISCAL YEAR 2002-2003

MAJOR FINANCIAL CHANGES

GENERAL FUND	TOTAL	T.O.	DESCRIPTION
			SUPPLEMENTARY RECOMMENDATIONS CONTINGENT ON NEW REVENUE:
\$0	\$0	0	None
\$0	\$0	0	TOTAL SUPPLEMENTARY RECOMMENDATIONS CONTINGENT ON NEW REVENUE
\$0	\$10,958,773	168	GRAND TOTAL RECOMMENDED

PROFESSIONAL SERVICES

\$21,375 To be determined, additional legal contract services deemed required to carry out mission of the department

\$21,375 TOTAL PROFESSIONAL SERVICES

OTHER CHARGES

\$53,640 Court reporters, travel of witness, etc.

\$53,640 SUB-TOTAL OTHER CHARGES

Interagency Transfers:

\$115,531 Office of Risk Management fees

\$29,867 Capitol Park Security fees

\$108,921 Office of Telecommunication Management fees

\$254,319 SUB-TOTAL INTERAGENCY TRANSFERS

\$307,959 TOTAL OTHER CHARGES

ACQUISITIONS AND MAJOR REPAIRS

\$105,000	Replacement of Library Reference materials
\$311,000	Replacement of data processing and various office equipment
\$138,000	Equipment needed for the video conferencing center
\$554,000	TOTAL ACQUISITIONS AND MAJOR REPAIRS